

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008. The following  
8 Acts are repealed on January 1, 2008:

9 ~~The Acupuncture Practice Act.~~

10 The Clinical Social Work and Social Work Practice Act.

11 The Home Medical Equipment and Services Provider License  
12 Act.

13 The Nursing and Advanced Practice Nursing Act.

14 The Illinois Petroleum Education and Marketing Act.

15 The Illinois Speech-Language Pathology and Audiology  
16 Practice Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and Disciplinary  
19 Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (Source: P.A. 94-754, eff. 5-10-06.)

2 (5 ILCS 80/4.28 new)

3 Sec. 4.28. Act repealed on January 1, 2018. The following  
4 Act is repealed on January 1, 2018:

5 The Acupuncture Practice Act.

6 Section 10. The Acupuncture Practice Act is amended by  
7 changing Sections 10, 20.1, 35, 60, 70, 105, 110, 120, 130,  
8 140, 155, 160, 165, 170, 175, 180, 190, and 195 as follows:

9 (225 ILCS 2/10)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 10. Definitions. As used in this Act:

12 "Acupuncture" means the evaluation or treatment of persons  
13 affected through a method of stimulation of a certain point or  
14 points on or immediately below the surface of the body by the  
15 insertion of pre-sterilized, single-use, disposable needles,  
16 unless medically contraindicated, with or without the  
17 application of heat, electronic stimulation, or manual  
18 pressure to prevent or modify the perception of pain, to  
19 normalize physiological functions, or for the treatment of  
20 certain diseases or dysfunctions of the body and includes  
21 activities referenced in Section 15 of this Act for which a  
22 written referral is not required. Acupuncture does not include  
23 radiology, electrosurgery, chiropractic technique, physical

1 therapy, naprapathic technique, use or prescribing of any  
2 drugs, medications, herbal preparations, nutritional  
3 supplements, serums, or vaccines, or determination of a  
4 differential diagnosis. An acupuncturist registered under this  
5 Act who is not also licensed as a physical therapist under the  
6 Illinois Physical Therapy Act shall not hold himself or herself  
7 out as being qualified to provide physical therapy or  
8 physiotherapy services. An acupuncturist shall refer to a  
9 licensed physician or dentist, any patient whose condition  
10 should, at the time of evaluation or treatment, be determined  
11 to be beyond the scope of practice of the acupuncturist.

12 "Acupuncturist" means a person who practices acupuncture  
13 and who is licensed by the Department.

14 "Board" means the Board of Acupuncture.

15 "Dentist" means a person licensed under the Illinois Dental  
16 Practice Act.

17 "Department" means the Department of Financial and  
18 Professional Regulation.

19 ~~"Director" means the Director of Professional Regulation.~~

20 "Physician" means a person licensed under the Medical  
21 Practice Act of 1987.

22 "Referral by written order" for purposes of this Act means  
23 a diagnosis, substantiated by signature of a physician or  
24 dentist, identifying a patient's condition and recommending  
25 treatment by acupuncture as defined in this Act. The diagnosis  
26 shall remain in effect until changed by the physician or

1 dentist who may, through express direction in the referral,  
2 maintain management of the patient.

3 "Secretary" means the Secretary of Financial and  
4 Professional Regulation.

5 "State" includes:

- 6 (1) the states of the United States of America;  
7 (2) the District of Columbia; and  
8 (3) the Commonwealth of Puerto Rico.

9 (Source: P.A. 93-999, eff. 8-23-04.)

10 (225 ILCS 2/20.1)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 20.1. Guest instructors of acupuncture; professional  
13 education. The provisions of this Act do not prohibit an  
14 acupuncturist from another state ~~State~~ or country, who is not  
15 licensed under this Act and who is an invited guest of a  
16 professional acupuncture association or scientific acupuncture  
17 foundation or an acupuncture training program or continuing  
18 education provider ~~that is~~ approved by the Department under  
19 this Act, from engaging in professional education through  
20 lectures, clinics, or demonstrations, provided that the  
21 acupuncturist is currently licensed in another state or  
22 country, his or her license is active and has not been  
23 disciplined, and he or she is currently certified in good  
24 standing as an acupuncturist by the National Certification  
25 Commission for Acupuncture and Oriental Medicine.

1       Licensees under this Act may engage in professional  
2 education through lectures, clinics, or demonstrations as an  
3 invited guest of a professional acupuncture association or  
4 scientific acupuncture foundation or an acupuncture training  
5 program or continuing education provider approved by the  
6 Department under this Act. The Department may, but is not  
7 required to, establish rules concerning this Section. ~~To~~  
8 ~~qualify as a guest instructor of acupuncture, the acupuncturist~~  
9 ~~must have been issued a guest instructor of acupuncture permit~~  
10 ~~by the Department. The Department shall grant a guest~~  
11 ~~instructor of acupuncture permit if the Department determines~~  
12 ~~that the applicant for the permit (i) is currently certified in~~  
13 ~~good standing as an acupuncturist by the National Certification~~  
14 ~~Commission for Acupuncture and Oriental Medicine; or (ii) has~~  
15 ~~sufficient training to qualify as a licensed acupuncturist in~~  
16 ~~Illinois. By rule, the Department may prescribe forms that~~  
17 ~~shall be used to apply for guest instructor of acupuncture~~  
18 ~~permits and charge an application fee to defray expenses borne~~  
19 ~~by the Department in connection with implementation of this~~  
20 ~~amendatory Act of the 92nd General Assembly. The applicant~~  
21 ~~shall submit his or her application for a guest instructor of~~  
22 ~~acupuncture permit to the Department. The Department shall~~  
23 ~~issue a guest instructor of acupuncture permit, or indicate why~~  
24 ~~the Department has refused to issue the permit, within 60 days~~  
25 ~~after the application is complete and on file with the~~  
26 ~~Department. The Department shall maintain a registry of guest~~

1 ~~instructors of acupuncture. A guest instructor of acupuncture~~  
2 ~~permit shall be valid for 12 months. The guest instructor of~~  
3 ~~acupuncture may engage in the application of acupuncture~~  
4 ~~techniques in conjunction with the lectures, clinics, or~~  
5 ~~demonstrations for a maximum of 12 months, but may not open an~~  
6 ~~office, appoint a place to meet private patients, consult with~~  
7 ~~private patients, or otherwise engage in the practice of~~  
8 ~~acupuncture beyond what is required in conjunction with these~~  
9 ~~lectures, clinics, or demonstrations.~~

10 (Source: P.A. 92-70, eff. 7-12-01.)

11 (225 ILCS 2/35)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 35. Board of Acupuncture. The Secretary ~~Director~~ shall  
14 appoint a Board of Acupuncture to consist of 7 persons who  
15 shall be appointed by and shall serve in an advisory capacity  
16 to the Secretary ~~Director~~. Four members must hold an active  
17 license to engage in the practice of acupuncture in this State,  
18 one member shall be a chiropractic physician licensed under the  
19 Medical Practice Act of 1987 who is actively engaged in the  
20 practice of acupuncture, one member shall be a physician  
21 licensed to practice medicine in all of its branches in  
22 Illinois, and one member must be a member of the public who is  
23 not licensed under this Act or a similar Act of another  
24 jurisdiction and who has no connection with the profession. ~~The~~  
25 ~~initial appointees who would otherwise be required to be~~

1 ~~licensed acupuncturists shall instead be individuals who have~~  
2 ~~been practicing acupuncture for at least 5 years and who are~~  
3 ~~eligible under this Act for licensure as acupuncturists.~~

4 Members shall serve 4-year terms and until their successors  
5 are appointed and qualified, ~~except that of the initial~~  
6 ~~appointments, one member shall be appointed to serve for 1~~  
7 ~~year, 2 members shall be appointed to serve for 2 years, 2~~  
8 ~~members shall be appointed to serve for 3 years, and 2 members~~  
9 ~~shall be appointed to serve for 4 years and until their~~  
10 ~~successors are appointed and qualified.~~ No member shall be  
11 reappointed to the Board for a term that would cause his or her  
12 continuous service on the Board to be longer than 8 consecutive  
13 years. Appointments to fill vacancies shall be made in the same  
14 manner as original appointments for the unexpired portion of  
15 the vacated term. Initial terms shall begin upon the effective  
16 date of this amendatory Act of 1997.

17 The Board may ~~shall~~ annually elect a chairperson and a  
18 vice-chairperson who shall preside in the absence of the  
19 chairperson. The membership of the Board should reasonably  
20 reflect representation from the geographic areas in this State.  
21 The Secretary ~~Director~~ may terminate the appointment of any  
22 member for cause. The Secretary ~~Director~~ may give due  
23 consideration to all recommendations of the Board. A majority  
24 of the Board members currently appointed shall constitute a  
25 quorum. A vacancy in the membership of the Board shall not  
26 impair the right of a quorum to exercise the right and perform

1 all the duties of the Board. Members of the Board shall have no  
2 liability in any action based upon any disciplinary proceeding  
3 or other activity performed in good faith as a member of the  
4 Board.

5 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

6 (225 ILCS 2/60)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 60. Exhibition of ~~Display of~~ license upon request;  
9 change of address. ~~A holder of a license under this Act shall~~  
10 ~~display the license in a conspicuous place in the office or~~  
11 ~~offices where the holder practices acupuncture.~~ A licensee  
12 shall, whenever requested, exhibit his or her license to any  
13 representative of the Department and shall notify the  
14 Department of the address or addresses, and of every change of  
15 address, where the licensee practices acupuncture.

16 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

17 (225 ILCS 2/70)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 70. Renewal, reinstatement, or restoration of  
20 license; continuing education; military service. The  
21 expiration date and renewal period for each license issued  
22 under this Act shall be set by rule. The holder of a license  
23 may renew that license during the month preceding its  
24 expiration date by paying the required fee.

1           In order to renew or restore a license, applicants shall  
2 provide proof of having met the requirements of continuing  
3 education set forth in the rules of the Department. Continuing  
4 education sponsors approved by the Department may not use an  
5 individual to engage in clinical demonstration, unless that  
6 individual is actively licensed under this Act or licensed by  
7 another state or country as set forth in Section 20.1 of this  
8 Act.

9           A person who has permitted his or her license to expire or  
10 who has had his or her license on inactive status may have the  
11 license restored by submitting an application to the  
12 Department, by meeting continuing education requirements, and  
13 by filing proof acceptable to the Department of fitness to have  
14 the license restored, which may include sworn evidence  
15 certifying to active practice in another jurisdiction  
16 satisfactory to the Department and by paying the required  
17 restoration fee. If the person has not maintained an active  
18 practice in another jurisdiction satisfactory to the  
19 Department, the Department shall determine, by an evaluation  
20 program established by rule, his or her fitness to resume  
21 active status and may require the person to complete a period  
22 of evaluated clinical experience and may require successful  
23 completion of a practical examination.

24           Any acupuncturist whose license expired while he or she was  
25 (1) in federal service on active duty with the Armed Forces of  
26 the United States or the State Militia called into service or

1 training or (2) in training or education under the supervision  
2 of the United States preliminary to induction into the military  
3 service, however, may have his or her registration restored  
4 without paying any lapsed renewal fees if within 2 years after  
5 honorable termination of service, training, or education, he or  
6 she furnishes the Department with satisfactory evidence that he  
7 or she has been so engaged and that his or her service,  
8 training, or education has been terminated.

9 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

10 (225 ILCS 2/105)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 105. Unlicensed practice; civil penalty. A person who  
13 practices, offers to practice, attempts to practice, or holds  
14 himself or herself out to practice as a licensed acupuncturist  
15 without being licensed under this Act shall, in addition to any  
16 other penalty provided by law, pay a civil penalty to the  
17 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each  
18 offense as determined by the Department. The civil penalty  
19 shall be assessed by the Department after a hearing is held in  
20 accordance with the provisions set forth in this Act regarding  
21 the provision of a hearing for the discipline of a licensee.

22 (Source: P.A. 90-61, eff. 7-3-97.)

23 (225 ILCS 2/110)

24 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 110. Grounds for disciplinary action.

2           (a) The Department may refuse to issue or to renew, place  
3 on probation, suspend, revoke or take other disciplinary or  
4 non-disciplinary action as deemed appropriate including the  
5 imposition of fines not to exceed \$10,000 ~~\$5,000~~ for each  
6 violation, as the Department may deem proper, with regard to a  
7 license for any one or combination of the following causes:

8           (1) Violations of the Act or its rules.

9           (2) Conviction or plea of guilty or nolo contendere of  
10 any crime under the laws of the United States or any state  
11 or territory thereof ~~U.S. jurisdiction~~ that is (i) a felony  
12 or (ii) a misdemeanor, an essential element of which is  
13 dishonesty or that is, ~~or (iii)~~ directly related to the  
14 practice of the profession.

15           (3) Making any misrepresentation for the purpose of  
16 obtaining a license.

17           (4) Aiding or assisting another person in violating any  
18 provision of this Act or its rules.

19           (5) Failing to provide information within 60 days in  
20 response to a written request made by the Department which  
21 has been sent by certified or registered mail to the  
22 licensee's last known address.

23           (6) Discipline by another U.S. jurisdiction or foreign  
24 nation, if at least one of the grounds for the discipline  
25 is the same or substantially equivalent to one set forth in  
26 this Section.

1           (7) Solicitation of professional services by means  
2 other than permitted under this Act.

3           (8) Failure to provide a patient with a copy of his or  
4 her record upon the written request of the patient.

5           (9) Gross negligence in the practice of acupuncture.

6           (10) Habitual or excessive use or addiction to alcohol,  
7 narcotics, stimulants, or any other chemical agent or drug  
8 that results in an acupuncturist's inability to practice  
9 with reasonable judgment, skill, or safety.

10          (11) A finding that licensure has been applied for or  
11 obtained by fraudulent means.

12          (12) A pattern of practice or other behavior that  
13 demonstrates incapacity or incompetence to practice under  
14 this Act.

15          (13) Being named as a perpetrator in an indicated  
16 report by the Department of Children and Family Services  
17 under the Abused and Neglected Child Reporting Act and upon  
18 proof by clear and convincing evidence that the licensee  
19 has caused a child to be an abused child or a neglected  
20 child as defined in the Abused and Neglected Child  
21 Reporting Act.

22          (14) Wilfully failing to report an instance of  
23 suspected child abuse or neglect as required by the Abused  
24 and Neglected Child Reporting Act.

25          (15) The use of any words, abbreviations, figures or  
26 letters (such as Acupuncturist, Licensed Acupuncturist,

1 Certified Acupuncturist, C.A., Act., Lic. Act., or Lic.  
2 Ac.) with the intention of indicating practice as a  
3 licensed acupuncturist without a valid license as an  
4 acupuncturist issued under this Act.

5 (16) Using ~~testimonials or~~ claims of superior quality  
6 of care to entice the public or advertising fee comparisons  
7 of available services with those of other persons providing  
8 acupuncture services.

9 (17) Advertising of professional services that the  
10 offeror of the services is not licensed to render.  
11 Advertising of professional services that contains false,  
12 fraudulent, deceptive, or misleading material or  
13 guarantees of success, statements that play upon the vanity  
14 or fears of the public, or statements that promote or  
15 produce unfair competition.

16 (18) Having treated ailments of human beings other than  
17 by the practice of acupuncture as defined in this Act, or  
18 having treated ailments of human beings as a licensed  
19 acupuncturist pursuant to a referral by written order that  
20 provides for management of the patient by a physician or  
21 dentist without having notified the physician or dentist  
22 who established the diagnosis that the patient is receiving  
23 acupuncture treatment.

24 (19) Unethical, unauthorized, or unprofessional  
25 conduct as defined by rule.

26 (20) Physical illness, ~~including but not limited to~~

1 ~~deterioration through the aging process,~~ mental illness,  
2 or other impairment disability that results in the  
3 inability to practice the profession with reasonable  
4 judgment, skill, and safety, including without limitation  
5 deterioration through the aging process, mental illness,  
6 or disability.

7 (21) Violation of the Health Care Worker Self-Referral  
8 Act.

9 The entry of an order by a circuit court establishing that  
10 any person holding a license under this Act is subject to  
11 involuntary admission or judicial admission as provided for in  
12 the Mental Health and Developmental Disabilities Code operates  
13 as an automatic suspension of that license. That person may  
14 have his or her license restored only upon the determination by  
15 a circuit court that the patient is no longer subject to  
16 involuntary admission or judicial admission and the issuance of  
17 an order so finding and discharging the patient and upon the  
18 Board's recommendation to the Department that the license be  
19 restored. Where the circumstances so indicate, the Board may  
20 recommend to the Department that it require an examination  
21 prior to restoring a suspended license.

22 The Department may refuse to issue or renew the license of  
23 any person who fails to (i) file a return or to pay the tax,  
24 penalty or interest shown in a filed return or (ii) pay any  
25 final assessment of the tax, penalty, or interest as required  
26 by any tax Act administered by the Illinois Department of

1 Revenue, until the time that the requirements of that tax Act  
2 are satisfied.

3 In enforcing this Section, the Department or Board upon a  
4 showing of a possible violation may compel an individual  
5 licensed to practice under this Act, or who has applied for  
6 licensure under this Act, to submit to a mental or physical  
7 examination, or both, as required by and at the expense of the  
8 Department. The Department or Board may order the examining  
9 physician to present testimony concerning the mental or  
10 physical examination of the licensee or applicant. No  
11 information shall be excluded by reason of any common law or  
12 statutory privilege relating to communications between the  
13 licensee or applicant and the examining physician. The  
14 examining physicians shall be specifically designated by the  
15 Board or Department. The individual to be examined may have, at  
16 his or her own expense, another physician of his or her choice  
17 present during all aspects of this examination. Failure of an  
18 individual to submit to a mental or physical examination, when  
19 directed, shall be grounds for suspension of his or her license  
20 until the individual submits to the examination if the  
21 Department finds, after notice and hearing, that the refusal to  
22 submit to the examination was without reasonable cause.

23 If the Department or Board finds an individual unable to  
24 practice because of the reasons set forth in this Section, the  
25 Department or Board may require that individual to submit to  
26 care, counseling, or treatment by physicians approved or

1 designated by the Department or Board, as a condition, term, or  
2 restriction for continued, reinstated, or renewed licensure to  
3 practice; or, in lieu of care, counseling, or treatment, the  
4 Department may file, or the Board may recommend to the  
5 Department to file, a complaint to immediately suspend, revoke,  
6 or otherwise discipline the license of the individual. An  
7 individual whose license was granted, continued, reinstated,  
8 renewed, disciplined or supervised subject to such terms,  
9 conditions, or restrictions, and who fails to comply with such  
10 terms, conditions, or restrictions, shall be referred to the  
11 Secretary ~~Director~~ for a determination as to whether the  
12 individual shall have his or her license suspended immediately,  
13 pending a hearing by the Department.

14 In instances in which the Secretary ~~Director~~ immediately  
15 suspends a person's license under this Section, a hearing on  
16 that person's license must be convened by the Department within  
17 30 ~~45~~ days after the suspension and completed without  
18 appreciable delay. The Department and Board shall have the  
19 authority to review the subject individual's record of  
20 treatment and counseling regarding the impairment to the extent  
21 permitted by applicable federal statutes and regulations  
22 safeguarding the confidentiality of medical records.

23 An individual licensed under this Act and affected under  
24 this Section shall be afforded an opportunity to demonstrate to  
25 the Department or Board that he or she can resume practice in  
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

2 (Source: P.A. 93-999, eff. 8-23-04.)

3 (225 ILCS 2/120)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 120. Checks or orders to Department dishonored because  
6 of insufficient funds. Any person who issues or delivers a  
7 check or other order to the Department that is not honored on 2  
8 occasions by the financial institution upon which it is drawn  
9 because of insufficient funds on account, the account is  
10 closed, or a stop payment has been placed on the check or order  
11 shall pay to the Department, in addition to the amount owing  
12 upon the check or other order, a fee of \$50. If the check or  
13 other order was issued or delivered in payment of a renewal or  
14 issuance fee and the person whose registration has lapsed  
15 continues to practice acupuncture without paying the renewal or  
16 issuance fee and the required \$50 fee under this Section, an  
17 additional fee of \$100 shall be imposed. The fees imposed by  
18 this Section are in addition to any other disciplinary  
19 provision under this Act prohibiting practice on an expired or  
20 non-renewed registration. The Department shall mail a  
21 registration renewal form to each registrant 60 days before the  
22 expiration of the registrant's current registration. The  
23 Department shall notify a person whose registration has lapsed,  
24 within 30 days after the discovery of the lapse, that the  
25 individual is engaged in the unauthorized practice of

1 acupuncture and of the amount due to the Department which shall  
2 include the lapsed renewal fee and all other fees required by  
3 this Section. If after the expiration of 30 days from the date  
4 of the notification a person whose registration has lapsed  
5 seeks a current registration, he or she shall thereafter apply  
6 to the Department for restoration of the registration and pay  
7 all fees due to the Department. The Department may establish a  
8 fee for the processing of an application for restoration of a  
9 registration that allows the Department to pay all costs and  
10 expenses incident to the processing of this application. The  
11 Secretary ~~Director~~ may waive the fees due under this Section in  
12 individual cases where he or she finds that the fees would be  
13 unreasonably or unnecessarily burdensome.

14 (Source: P.A. 89-706, eff. 1-31-97.)

15 (225 ILCS 2/130)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 130. Injunctions; criminal offenses; cease and desist  
18 order.

19 (a) If any person violates the provisions of this Act, the  
20 Secretary ~~Director~~ may, in the name of the People of the State  
21 of Illinois, through the Attorney General of the State of  
22 Illinois or the State's Attorney for any county in which the  
23 action is brought, petition for an order enjoining the  
24 violation or for an order enforcing compliance with this Act.  
25 Upon the filing of a verified petition in court, the court may

1 issue a temporary restraining order, without notice or  
2 condition, and may preliminarily and permanently enjoin the  
3 violation. If it is established that the person has violated or  
4 is violating the injunction, the Court may punish the offender  
5 for contempt of court. Proceedings under this Section shall be  
6 in addition to, and not in lieu of, all other remedies and  
7 penalties provided by this Act.

8 (b) Whenever in the opinion of the Department a person  
9 violates a provision of this Act, the Department may issue a  
10 rule to show cause why an order to cease and desist should not  
11 be entered against that person. The rule shall clearly set  
12 forth the grounds relied upon by the Department and shall allow  
13 at least 7 days from the date of the rule to file an answer to  
14 the satisfaction of the Department. Failure to answer to the  
15 satisfaction of the Department shall cause an order to cease  
16 and desist to be issued immediately.

17 (c) Other than as provided in Section 20 of this Act, if  
18 any person practices as an acupuncturist or holds himself or  
19 herself out as a licensed acupuncturist under this Act without  
20 being issued a valid existing license by the Department, then  
21 any licensed acupuncturist, any interested party, or any person  
22 injured thereby may, in addition to the Secretary ~~Director~~,  
23 petition for relief as provided in subsection (a) of this  
24 Section.

25 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

1 (225 ILCS 2/140)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 140. Investigation; notice; hearing. Licenses may be  
4 refused, revoked, suspended, or otherwise disciplined in the  
5 manner provided by this Act and not otherwise. The Department  
6 may upon its own motion or ~~and shall~~ upon the ~~verified~~  
7 complaint ~~in writing~~ of any person setting forth facts that if  
8 proven would constitute grounds for refusal to issue or renew  
9 or for suspension, ~~or~~ revocation, or other disciplinary action  
10 under this Act, investigate the actions of a person applying  
11 for, holding, or claiming to hold a license. The Department  
12 shall, before refusing to issue or renew, suspending, ~~or~~  
13 revoking, or taking other disciplinary action regarding a  
14 license or taking other discipline pursuant to Section 110 of  
15 this Act, and at least 30 days prior to the date set for the  
16 hearing, notify in writing the applicant or licensee of any  
17 charges made, shall afford the applicant or licensee an  
18 opportunity to be heard in person or by counsel in reference to  
19 the charges, and direct the applicant or licensee to file a  
20 written answer to the Department under oath within 20 days  
21 after the service of the notice and inform the applicant or  
22 licensee that failure to file an answer will result in default  
23 being taken against the applicant or licensee and that the  
24 license may be suspended, revoked, placed on probationary  
25 status, or other disciplinary action may be taken, including  
26 limiting the scope, nature, or extent of practice, as the

1 Secretary ~~Director~~ may deem proper. Written notice may be  
2 served by personal delivery to the applicant or licensee or by  
3 mailing the notice by certified mail to his or her last known  
4 place of residence or to the place of business last specified  
5 by the applicant or licensee in his or her last notification to  
6 the Department. If the person fails to file an answer after  
7 receiving notice, his or her license may, in the discretion of  
8 the Department, be suspended, revoked, or placed on  
9 probationary status or the Department may take whatever  
10 disciplinary action deemed proper, including limiting the  
11 scope, nature, or extent of the person's practice or the  
12 imposition of a fine, without a hearing, if the act or acts  
13 charged constitute sufficient grounds for such action under  
14 this Act. At the time and place fixed in the notice, the  
15 Department shall proceed to hearing of the charges and both the  
16 applicant or licensee and the complainant shall be afforded  
17 ample opportunity to present, in person or by counsel, any  
18 statements, testimony, evidence, and arguments that may be  
19 pertinent to the charges or to their defense. The Department  
20 may continue a hearing from time to time. If the Board is not  
21 sitting at the time and place fixed in the notice or at the  
22 time and place to which the hearing shall have been continued,  
23 the Department may continue the hearing for a period not to  
24 exceed 30 days.

25 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

1 (225 ILCS 2/155)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 155. Subpoena; oaths. The Department shall have power  
4 to subpoena and bring before it any person in this State and to  
5 take testimony either orally or by deposition or both with the  
6 same fees and mileage and in the same manner as prescribed by  
7 law in judicial proceedings in civil cases in circuit courts of  
8 this State. The Department shall also have the power to  
9 subpoena the production of documents, papers, files, books, and  
10 records in connection with a hearing or investigation.

11 The Secretary ~~Director~~ and the hearing officer designated  
12 by the Secretary ~~Director~~ shall each have power to administer  
13 oaths to witnesses at any hearing that the Department is  
14 authorized to conduct under this Act and any other oaths  
15 required or authorized to be administered by the Department  
16 under this Act.

17 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

18 (225 ILCS 2/160)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 160. Findings of facts, conclusions of law, and  
21 recommendations. At the conclusion of the hearing, the Board  
22 ~~hearing officer~~ shall present to the Secretary ~~Director~~ a  
23 written report of its findings of fact, conclusions of law, and  
24 recommendations. The report shall contain a finding whether or  
25 not the accused person violated this Act or failed to comply

1 with the conditions required in this Act. The Board hearing  
2 ~~officer~~ shall specify the nature of the violation or failure to  
3 comply and shall make its ~~his or her~~ recommendations to the  
4 Secretary Director.

5 The report of findings of fact, conclusions of law, and  
6 recommendations of the Board hearing officer may be the basis  
7 of the order of the Department. If the Secretary Director  
8 disagrees in any regard with the report of the Board hearing  
9 ~~officer~~, the Secretary may Director shall issue an order in  
10 contravention of the report. The Secretary ~~Within 60 days after~~  
11 ~~taking that action the Director~~ shall provide notice ~~a written~~  
12 ~~report~~ to the Board hearing officer on any deviation and ~~shall~~  
13 ~~specify with particularity~~ the reasons for the deviation action  
14 ~~in the final order~~. The finding is not admissible in evidence  
15 against the person in a criminal prosecution brought for the  
16 violation of this Act, but the hearing and findings are not a  
17 bar to a criminal prosecution brought for the violation of this  
18 Act.

19 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

20 (225 ILCS 2/165)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 165. Hearing officer. The Secretary Director shall  
23 have the authority to appoint any attorney duly licensed to  
24 practice law in the State of Illinois to serve as the hearing  
25 officer in any action for discipline of a license. The hearing

1 officer shall have full authority to conduct the hearing. The  
2 hearing officer shall report his or her findings of fact,  
3 conclusions of law, and recommendations to the Board and the  
4 Secretary Director. The Board shall ~~have 60 days after receipt~~  
5 ~~of the report to~~ review the report of the hearing officer and  
6 to present its findings of fact, conclusions of law, and  
7 recommendations to the Secretary Director.

8 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

9 (225 ILCS 2/170)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 170. Service of report; rehearing; order. In any case  
12 involving the discipline of a license, a copy of the hearing  
13 officer's report shall be served upon the respondent by the  
14 Department, either personally or as provided in this Act for  
15 the service of the notice of hearing. Within 20 days after the  
16 service, the respondent may present to the Department a motion  
17 in writing for a rehearing that shall specify the particular  
18 grounds for rehearing. If no motion for rehearing is filed,  
19 then upon the expiration of the time specified for filing a  
20 motion, or if a motion for rehearing is denied, then upon the  
21 denial the Secretary Director may enter an order in accordance  
22 with this Act. If the respondent orders from the reporting  
23 office and pays for a transcript of the record within the time  
24 for filing a motion for rehearing, the 20 day period within  
25 which the motion may be filed shall commence upon the delivery

1 of the transcript to the respondent.

2 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

3 (225 ILCS 2/175)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 175. Substantial justice to be done; rehearing.

6 Whenever the Secretary ~~Director~~ is satisfied that substantial  
7 justice has not been done in the discipline of a license, the  
8 Secretary ~~Director~~ may order a rehearing by the same or another  
9 hearing officer.

10 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

11 (225 ILCS 2/180)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 180. Order or certified copy as prima facie proof. An  
14 order or a certified copy thereof, over the seal of the  
15 Department and purporting to be signed by the Secretary  
16 ~~Director~~, shall be prima facie proof:

17 (1) that the signature is the genuine signature of the  
18 Secretary ~~Director~~;

19 (2) that such Secretary ~~Director~~ is duly appointed and  
20 qualified; and

21 (3) that the Board and its members are qualified to  
22 act.

23 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

1 (225 ILCS 2/190)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 190. Surrender of registration. Upon the revocation or  
4 suspension of any registration, the registrant shall  
5 immediately surrender the registration certificate to the  
6 Department. If the registrant fails to do so, the Department  
7 shall have the right to seize the registration certificate.

8 (Source: P.A. 89-706, eff. 1-31-97.)

9 (225 ILCS 2/195)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 195. Imminent danger to public; temporary suspension.  
12 The Secretary ~~Director~~ may temporarily suspend the license of  
13 an acupuncturist without a hearing, simultaneously with the  
14 institution of proceedings for a hearing provided for in  
15 Section 140 of this Act, if the Secretary ~~Director~~ finds that  
16 evidence in his or her possession indicates that continuation  
17 in practice would constitute an imminent danger to the public.  
18 In the event that the Secretary ~~Director~~ temporarily suspends a  
19 license without a hearing, a hearing by the Department must be  
20 held within 30 days after the suspension has occurred and be  
21 concluded without appreciable delay.

22 (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.